

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Matthias AUSTEN et al.

Examiner: SAJJADI, FEREYDOUN GHOTB

Serial No.: 10/580,601

Group Art Unit: 1633

Filed: MAY 25, 2006

Confirmation Number: 1728

Title: **METHOD FOR PREVENTING AND TREATING DIABETES USING NEURTURIN**

RESPONSE TO NON-COMPLIANCE

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliance mailed September 23, 2009, Applicants hereby further elect neurturin polypeptide as neurturin product and further elect the in vitro method. These elections are made with traverse.

The Examiner has indicated, via the extensive dissecting of the claimed subject matter, an intent not to examine Applicant's claimed subject matter in its unified concept. This deprives Applicant of its right to a full examination of the claimed subject matter and also is inconsistent with the recently announced new PTO policy aimed at procuring for Applicants reasonably fast allowances, where justified, as in this case. Thus, the Examiner is strongly encouraged to continue searching the claimed subject matter throughout the claim scope in accordance with chapter 800 of the MPEP. Of course, Applicants have full right to file divisional applications on any non-elected subject matter which the Examiner somehow fails to examine.

For the particular elections made herein, all claims read thereon except for claims 18 and 53.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

/Sagun KC/

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For Applicant(s)

/Anthony J. Zelano/

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Attorney Docket No.: WEICKM-0058

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